UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,172	03/23/2004	Alexander M. Scholte	4366-144	4816

48500   7590   08/22/2007
SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202

EXAMINER
RIYAMI, ABDULLA A

ART UNIT	PAPER NUMBER
2609	

MAIL DATE	DELIVERY MODE
08/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/808,172	SCHOLTE, ALEXANDER M.
		Examiner	Art Unit	
		Abdullah Riyami	2609	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _23 March 2004_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-29_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-29_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _23 March 2004_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _See Continuation Sheet_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date
:02/28/2005,04/02/2007, and 07/19/2007 .

DETAILED ACTION

Abstract

1.   The abstract of the disclosure is objected to because the phrase "are provided" is

improper language, because it refers back to the specification. Correction is required.

See MPEP § 608.01(b).

2.   Applicant is reminded of the proper language and format for an abstract of the
disclosure.

The abstract should be in narrative form and generally limited to a single
paragraph on a separate sheet within the range of 50 to 150 words. It is important that
the abstract not exceed 150 words in length since the space provided for the abstract
on the computer tape used by the printer is limited. The form and legal phraseology
often used in patent claims, such as "means" and "said," should be avoided. The
abstract should describe the disclosure sufficiently to assist readers in deciding whether
there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information
given in the title. It should avoid using phrases which can be implied, such as, "The
disclosure concerns," "The disclosure defined by this invention," "The disclosure
describes," etc.

Claim Objections

3.   Claim 19 is objected to because of the following informalities:

In claim 19, line 2, the occurrence of "a first action is take in" seems to refer to –

a first action is taken in--. If this is true, it is suggested to change "a first action is

take in" to –a first action is taken in--

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claim 1-3 and 5-29 are rejected under 35 U.S.C. 102(b) as being anticipated by

Kano et al. (US 6453349 B1).

In claim 1, Kano et al. discloses a method of establishing a communication

channel using protected network resources (see abstract and figure 11),

comprising: creating a first data packet requesting a reservation of network

resources (see figure 11, step 1) and containing a first object comprising a

connection request (see TCP and REQ, column 10, lines 1-11); sending the first

data packet from a first communication endpoint across a network to a second

communication endpoint (see column 10, lines 11-54 and figure 11, terminal 3

(step 1) to terminal 1 (step3)); creating a second data packet related to the

request for network resources (see figure 11, step 3) and containing a second

object comprising a connection request acknowledgment (see TCP and REQ,

column 10, lines 1-11, and figure 11, step 3); sending the second data packet

(see figure 11, step 3) from the second communication endpoint to the first

communication endpoint (see column 10, lines 11-54 and figure 11, terminal 1 to

terminal 3); creating a third data packet confirming the reservation of network

resources (see figure 11, step 5) and containing a third object comprising a

second connection request acknowledgment (see figure 11, step 5) ; and

sending (see column 5, lines 32-55) the third data packet from the first

communication endpoint to the second communication endpoint (see column 5,

lines 32-55).

In claim 2, Kano et al. discloses a method of establishing a communication

channel using protected network resources (see abstract and figure 11), wherein

the first data packet comprises an RSVP path message (see column 6, lines 25-

35 and see figure 11, step 1), the second data packet comprises an RSVP

reservation message (see column 6, lines 25-35 and see figure 11, step 3), and

the third packet comprises an RSVP confirm message (see column 6, lines 25-35

and see figure 11, step 5).

In claim 3, Kano et al. discloses a method of establishing a communication

channel using protected network resources (see abstract and figure 11), wherein

the first, second and third objects comprise transmission control protocol

messages (see TCP, column 10, lines 1-11).

In claim 5, Kano et al. discloses a method of establishing a communication

channel using protected network resources (see abstract and figure 11), further

comprising: receiving the first packet at a first network node (see relaying node

2b or 2a, figure 11) intermediate to the first and second communication

endpoints, the first network node: acting on the request for a reservation of

network resources; and ignoring the first object (see column 3, lines 38-41 and

figure 1, block 6 and block 7).

In claim 6, Kano et al. discloses a method of establishing a communication channel using protected network resources (see abstract and figure 11), further comprising: receiving the second packet at at least one of the first network node and a second network node (see relaying node 2b or 2a, figure 11), the at least one network node: acting on the resource reservation message; and ignoring the second object (see column 3, lines 38-41 and figure 1, block 6 and block 7).

In claim 7, Kano et al. discloses a method of establishing a communication channel using protected network resources (see abstract and figure 11), further comprising: receiving the third packet at at least one of the first network node and the second network node (see relaying node 2b or 2a, figure 11), the at least one network node: acting on the reservation confirmation message; and ignoring the third object (see column 3, lines 38-41 and figure 1, block 6 and block 7).

In claim 8, Kano et al. discloses a method of establishing a communication channel using protected network resources (see abstract and figure 11), further comprising: sending data across the reserved network resources between the first and second communication endpoints (see figure 1 and figure 11).

In claim 9, Kano et al. discloses a method of establishing a communication channel using protected network resources (see abstract and figure 11), wherein the first communication endpoint comprises one of a telephony device and a general-purpose computer (see column 1, lines 10-15).

In claim 10, Kano et al. discloses a method of establishing a communication channel using protected network resources (see abstract and figure 11), wherein

the network node comprises one of a router or gateway (see routing table, column 3, lines 30-37).

In claim 11, Kano et al. discloses a computational component (see figure 1, processing unit) for performing a method, the method comprising: creating a first data packet requesting a reservation of network resources (see figure 11, step 1) and containing a first object comprising a connection request (see TCP and REQ, column 10, lines 1-11); sending the first data packet across a network (see column 10, lines 11-54 and figure 11, terminal 3 (step 1) to terminal 1 (step3)); receiving (see figure 11, from terminal 1 to terminal 3) a second data packet related to the request for network resources (see figure 11, step 3) and containing a second object comprising a connection request acknowledgment (see TCP and REQ, column 10, lines 1-11, and figure 11, step 3) and sending a third data packet confirming (see column 5, lines 32-55) the reservation of network resources (see figure 11, step 5) and containing a third object comprising a second connection request acknowledgment (see figure 11, step 5).

In claim 12, Kano et al. discloses a method (see abstract and figure 11), further comprising: sending data across the reserved network resources between the first and second communication endpoints (see figure 1 and figure 11).

In claim 13, Kano et al. discloses a method (see abstract and figure 11), wherein the objects comprise one of transmission control protocol and session initiation protocol objects (see TCP, column 10, lines 1-11).

In claim 14, Kano et al. discloses a method (see abstract and figure 11), wherein

the data packets comprise one of resource reservation protocol, resource

reservation protocol traffic engineering, and CR- LDP reservation messages (see

column 6, lines 25-35).

In claim 15, Kano et al. discloses a method (see abstract and figure 11), wherein

the computational component comprises a computer readable storage medium

(see figure 1) for performing the method.

In claim 16, Kano et al. discloses a method (see abstract and figure 11), wherein

the computational component comprises a logic circuit (see figure 1).

In claim 17, Kano et al. discloses a system for establishing a communication

channel using reserved network resources (see abstract and figure 11),

comprising: a first communication endpoint means (see figure 11, step 1); and

communication network means interconnected (see figure 1 and figure 11) to the

first communication endpoint means, wherein the communication endpoint

means transmits data packets comprising means for requesting a reservation of

network resources (see figure 11, step 1) and at least a first object comprising

signaling means for establishing a communication channel between

communication endpoints (see TCP and REQ, column 10, lines 1-11).

In claim 18, Kano et al. discloses a system for establishing a communication

channel using reserved network resources (see abstract and figure 11), further

comprising: second communication endpoint means interconnected to the

communication network means (see figure 1 and figure 11).

In claim 19, Kano et al. discloses a system for establishing a communication channel using reserved network resources (see abstract and figure 11) further comprising: means for routing data packets (see relaying node 2b or 2a, figure 11), wherein at least a first action is take in response to receiving the means for requesting a reservation of network resources (see column 3, lines 38-41 and figure 1, block 6 and block 7), and wherein the means for establishing a communication channel between communication endpoints is ignored (see column 3, lines 38-41 and figure 1, block 6 and block 7).

In claim 20, Kano et al. discloses a data packet (see column 3, lines 17-19) comprising: a network resource reservation protocol object (see figure 11, step 1); and a communication protocol object (see TCP and REQ, column 10, lines 1-11). .

In claim 21, Kano et al. discloses a data packet (see column 3, lines 17-19), wherein the reservation protocol object comprises an RSVP message (see column 6, lines 25-35).

In claim 22, Kano et al. discloses a data packet (see column 3, lines 17-19), wherein the communication protocol object comprises one of a TCP, SCTP and SIP protocol message (see TCP, column 10, lines 1-11).

In claim 23, Kano et al. discloses a data packet (see column 3, lines 17-19), wherein the communication protocol object is embedded in the network resource reservation protocol object (see TCP, column 10, lines 1-11 and figure 11).

In claim 24, Kano et al. discloses a computational component (see figure 1, processing unit) for performing a method, the method comprising: receiving (see figure 11, from terminal 3 to terminal 1) a first data packet requesting a reservation of network resources (see figure 11, step 3) and containing a first object comprising a connection request (see TCP and REQ, column 10, lines 1-11); creating a second data packet related to said request for network resources (see figure 11, step 3) and containing a second object comprising a connection request acknowledgment (see TCP and REQ, column 10, lines 1-11); and receiving a third data packet confirming (see column 5, lines 32-55) said reservation of network resources and containing a third object comprising a second connection request acknowledgment (see figure 11, step 5).

In claim 25, Kano et al. discloses a computational component (see figure 1, processing unit) for performing a method, the method comprising: sending data using the reserved network resources (see figure 1 and figure 11).

In claim 26, Kano et al. discloses a computational component (see figure 1, processing unit) for performing a method, wherein the objects comprise one of transmission control protocol and session initiation protocol objects (see TCP, column 10, lines 1-11).

In claim 27, Kano et al. discloses a computational component (see figure 1, processing unit) for performing a method, wherein said data packets comprise one of resource reservation protocol, resource reservation protocol traffic engineering, and CR- LDP reservation messages (see column 6, lines 25-35).

In claim 28, Kano et al. discloses a computational component (see figure 1, processing unit) for performing a method, wherein the computational component comprises a computer readable storage medium (see figure 1) for performing the method.

In claim 29, Kano et al. discloses a computational component (see figure 1, processing unit) for performing a method, wherein the computational component comprises a logic circuit (see figure 1).

Claim Rejections - 35 USC § 103

6.   This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:·

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

9.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kano et ·

al. (US 6453349 B1) in view of Schneider et al. (US 2006/0114889 A1).

In claim 4, Kano et al. discloses a method of establishing a communication

channel using protected network resources (see abstract and figure 11), but does

not expressly disclose the first, second and third objects comprising session

initiation protocol messages.

Schneider et al. discloses the first, second and third objects comprising session

initiation protocol messages (see paragraph 30).

Kano et al. and Schneider et al. are analogous art because they are from the

same field of endeavor of bandwidth reservation between network devices in a

network.

At the time of the invention, it would have been obvious to a person of ordinary

skill in the art to use Schneider et al.'s SIP messages (see paragraph 30) in Kano

et al.'s the first, second and third objects.

The motivation to combine would have been to have a method to control access to a communications network by enforcing service policies that define the capabilities and resources available to the users (also determining whether a service request succeeds or fails). Thus, implementing user through network signaling between users and the connection capabilities.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,201,791 B1	03-2001	Bournas, Redha M.	370/234
*	B	US-6,353,856 B1	03-2002	Kanemaki, Hideyasu	709/229
*	C	US-6,353,616 B1	03-2002	Elwalid et al.	370/443
*	D	US-7,116,682 B1	10-2006	Waclawsky et al.	370/468
*	E	US-6,483,835 B1	11-2002	Tanigawa et al.	370/395.21
*	F	US-2003/0115390 A1	06-2003	IIJIMA, YUKO	710/104
*	G	US-6,577,613 B1	06-2003	Ramanathan, Subramanian	370/337
*	H	US-2004/0022247 A1	02-2004	Chen et al.	370/395.5
*	I	US-2004/0085949 A1	05-2004	Partanen et al.	370/352
*	J	US-2004/0109459 A1	06-2004	Madour et al.	370/401
*	K	US-2004/0132481 A1	07-2004	Sugaya, Shigeru	455/550.1
*	L	US-6,816,500 B1	11-2004	Mannette et al.	370/431
*	M	US-6,934,249 B1	08-2005	Bertin et al.	370/218
*	N	US-7,009,994 B2	03-2006	Bahl, Paramvir	370/458

All of the above are cited to teach a method and apparatus of establishing a communication channel and reserving bandwidth.
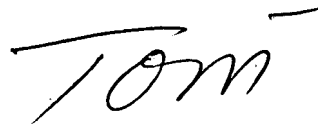
11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Abdullah Riyami whose telephone number is (571) 270-

3119. The examiner can normally be reached on Monday through Thursday 8am-5pm

EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dang Ton can be reached on (571) 272-3171. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AR

DANG T. TON
SUPERVISORY PATENT EXAMINER